IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr. Misc. No.29778 of 2008
VIJAY KUMAR AGRAHARI & ANR
Versus
THE STATE OF BIHAR
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2 01.10.2008 Heard learned counsel for the petitioner and the State.

As per the prosecution case, 50 cylinders of LPG gas for domestic consumption were being carried away on the vehicle of which these petitioners were driver and khalasi. One Santosh Kumar was also in the vehicle when the vehicle was apprehended. With regard to the cylinders said Santosh Kumar stated that he had purchased the gas cylinder from one Bihari Gas Service Chandauli and was going to sell the same to one Pramod Keshri of Kudra P.S. He could not show any paper with regard to the possession of gas cylinders and hence all the three were arrested. However, said Santosh Kumar has been granted bail by this Court vide order dated 24.09.2008 passed in Cr. Misc. No. 29780 of 2008. The plea of the Santosh Kumar was that he has just taken lift in the vehicle and had no knowledge about the cylinders.

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The defence of the present petitioner is that, as FIR itself shows, the said Santosh Kumar had actually purchased the cylinders, got them loaded on the hired vehicle of the petitioners and was taking them for black marketing.

The defence of these petitioners appears to be contradictory to the defence of said Santosh Kumar and in consonance with FIR. However, in spite of the mentioning of confession of the Santosh Kumar in the FIR Said Santosh Kumar has been granted bail by a

Bench of this Court. Hence this application is also allowed.

The petitioner, Vijay Kumar Agrahari and Driver Sadakat Ali are directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Kaimur at Bhabhua in connection with Mohania P.S Case No. 139 of 2008.

Kundan **(J. N. Singh, J.)**

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